


# COUNTY OF YORK

## MEMORANDUM

**DATE:** August 15, 2005 (BOS Mtg. 9/6/05)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator 

**SUBJECT:** Subdivision Ordinance "Housekeeping" Amendments

Several months ago the Board adopted a series of amendments to the Zoning Ordinance and County Code that, among other things, modified the Chesapeake Bay Preservation Area regulations. As a result of those changes, and to complete the process of ordinance compliance required by the Chesapeake Bay Local Assistance Board, it is necessary that several Subdivision Ordinance modifications be considered. In addition, staff has conducted a thorough review of all sections of the Subdivision Ordinance and has identified various other sections where amendments are proposed. These proposed changes include updates to State Code references, adjustments to conform to newly adopted VDOT street standards, and proposed clarifications and adjustments to address issues that have surfaced in the day-to-day administration of the ordinance.

The proposed amendments are contained in the attached pages and are discussed in the following summary:

### **Section 20.5-4 – General rules of interpretation.**

- A new subsection (f) is proposed to be added to allow changes to the State Code, including renumbering, to be incorporated automatically. An identical provision is in the Zoning Ordinance.

### **Section 20.5-5 – Definitions**

- *Best management practice.* Proposed revision to make the Subdivision Ordinance definition consistent with the one in the Zoning Ordinance and the Chesapeake Bay Preservation Area regulations (Chapter 23.2).
- *Buffer.* Proposed revision to incorporate reference to the Watershed Management and Protection overlay district buffers.
- *Channel.* Minor change in terminology to use "perennial" rather than "constant."
- *Chesapeake Bay Preservation Area.* Modification to conform definition with the one contained in the recently enacted Section 23.2.
- *Detention basin.* Minor change in wording to emphasize need for *adequate* outfall channels.

- *Development.* Proposed revision to provide consistency with definition used in the Zoning Ordinance and the Chesapeake Bay Preservation Area regulations.
- *Floodplain.* Minor change in terminology – referencing *land area* - for clarification.
- *Highly erodible soils and Highly permeable soils.* Proposed deletion since these terms are not used in the Subdivision Ordinance.
- *Impervious surface.* Proposed revision to make the Subdivision Ordinance definition consistent with the one in the Zoning Ordinance and the Chesapeake Bay Preservation Area regulations (Chapter 23.2).
- *Open space, common.* Proposed clarification to indicate that common open space is for the benefit of all residents or *property owners*. Makes the definition consistent with the Zoning Ordinance.
- *Resource Management Area (RMA).* Revisions to ensure consistency with definitions in the Chesapeake Bay Preservation Area regulations and the Zoning Ordinance.
- *Resource Protection Area (RPA).* Revisions to ensure consistency with definitions in the Chesapeake Bay Preservation Area regulations and the Zoning Ordinance.
- *Septic system.* Proposed addition of reference to “soil absorption systems, “ which is the term used in the utilities chapter of the County Code.
- *Tidal shore, Tributary stream and Water-dependent facility.* Proposed deletion since these terms are not used in the Subdivision Ordinance.
- *Wetlands.* Proposed revisions to ensure consistency with the definitions used in the Chesapeake Bay Preservation Area regulations.

**Section 20.5 -13. Fees.**

- Revisions to update State Code references and to reflect increase in BZA fee (\$150 increased to \$250) adopted in May 2005.

**Section 20.5-26. Preapplication conference sketch plan**

- Proposed revisions to reference Chesapeake Bay Preservation Area and wetlands information that should accompany sketch plans.

**Section 20.5-27. Classification of Subdivisions**

- Proposed revision to clarify status and development rights for parcels separated by a right-of-way acquisition process.

- Proposed revision to ensure that boundary line adjustments do not create situations where development of the parcel would be dependent on a Chesapeake Bay Preservation Area exception or other variances.

**Section 20.5-28. Preliminary plan.**

- Proposed revisions to increase the number of plan copies required to be submitted (13 instead of 10, in order to ensure a sufficient number for an efficient review process) and to insert reference to the required Natural Resources Inventory.

**Section 20.5-29. Development plan.**

- Proposed revision to increase the number of plan copies required to be submitted (13 instead of 10, in order to ensure a sufficient number for an efficient review process).

**Section 20.5-30. Final plat.**

- Proposed revision to increase the number of plat copies required to be submitted (13 instead of 8, in order to ensure a sufficient number for an efficient review process).

**Section 20.5-32. Vacation of plats.**

- Updated references to State Code.

**Section 20.5-34. Special provisions for family subdivisions.**

- Proposed revision to reference the need for compliance with all applicable Chesapeake Bay Protection Area regulations
- Proposed revision to add requirement for a specific notation on the plat indicating that neither VDOT nor the County will incur any future maintenance obligation for private driveways serving family subdivision lots.

**Section 20.5-47. Submittal requirements.**

- Proposed revisions to require certain additional information needed to determine compliance with Chesapeake Bay Preservation Area (CBPA) requirements pertaining to amount of impervious cover, provision of adequate buildable area outside of required buffers, and identification of sensitive natural areas.

**Section 20.5-48. Contents**

- Proposed addition of requirement for including the CBPA Natural Resources Inventory as a submission in conjunction with Preliminary Subdivision Plans.

**Section 20.5-52. Submittal requirements.**

- Proposed revision in the number of required copies of the Development Plan (13 rather than 10); addition of requirements for certain additional information relating to CBPA compliance and natural areas identification; and, proposed requirements for additional information needed to evaluate stormwater management issues and plans.

**Section 20.5-53. Contents.**

- Proposed revisions to update references to environmental permitting agencies and issues that must be addressed in conjunction with Development Plan submittals.

**Section 20.5-57. Submittal requirements.**

- Minor revisions and additions to clarify and supplement the information requirements for Final Plats, update State Code references, and to increase the number of required review copies (13 rather than 8).

**Section 20.5-58. Contents.**

- Minor revision to refer to *environmental* permits.

**Section 20.5-66. Suitable land.**

- Proposed addition of reference to CBPA areas as lands that can be deemed unsuitable for subdivision.

**Section 20.5-69. Underground utilities.**

- Proposed addition of a provision (identical to a Zoning Ordinance provision) requiring any utilities relocated onto the development site to be placed underground.

**Section 20.5-70. Lots.**

- Proposed additions to reference the special lot size requirements applicable to CBPA areas (i.e, adequate buildable area outside the RPA).
- Proposed revision of the terminology relating to substandard right-of-way width; VDOT no longer uses the “tolerable” / “non-tolerable” terminology regarding road width. Instead, the correct reference now is to the functional classification tables that specify dimensional requirements relative to traffic volumes.

**Section 20.5-73. Water.**

- Minor revision to reflect current department name (Fire and Life Safety).

**Section 20.5-74. Sewer.**

- Proposed clarification relative to availability of sewer along existing roads.

- Proposed inclusion of reference to “reservoirs” as an environmentally sensitive feature to be considered when evaluating subdivisions to be served by septic systems.
- Proposed deletion of redundant provisions relating to utility construction in CBPA areas.

**Section 20.5-75. Drainage.**

- Proposed inclusion of references to Virginia Stormwater Management regulations.

**Section 20.5-76. Pedestrian and bicycle facilities.**

- Proposed clarification of applicability of sidewalk requirements on *subcollector* streets. A *subcollector* street is a type of *collector* street.
- Proposed revision in sidewalk – curbing separation dimensions to ensure availability of space for mailbox placements.

**Section 20.5-77. Streetlights.**

- Proposed addition of reference to the Board’s Streetlight Policy.
- Proposed deletion of spacing standards (distance from edge of pavement) and reference instead to clear zone requirements of VDOT.
- Proposed inclusion of requirement for developer to maintain surety adequate in amount to cover streetlight charges (installation and 5 years operating) established by Board Policy.

**Section 20.5-80. Street signs.**

- Proposed revision of sign size and lettering standards to ensure consistency with current standards specified in the Board’s Street Sign Policy.

**Section 20.5-81. Entrance signs.**

- Proposed deletion of sign size standards in favor of reference to sign standards set out in the Zoning Ordinance (32 square feet rather than 40 square feet).
- Proposed clarification to ensure that subdivision entrance signs can be placed at multiple entrances into a development and on both sides of the entrance road.

**Section 20.5-83. Preservation of natural features and cultural resources.**

- Minor addition to include reference to perennial streams to ensure consistency with Chesapeake Bay Preservation Area requirements.

**Section 20.5-84. Landscaping buffers and screening.**

- Updates to State Code references.
- Addition of references to Zoning Ordinance requirements pertaining to buffers, both in terms of location and dimensions.

**Section 20.5-85. Chesapeake bay preservation area.**

- Proposed modification to add references to the Chesapeake Bay Preservation Area regulations, now set out in Chapter 23.2, and to delete various CBPA standards to eliminate redundancy.

**Section 20.5-86. Common property.**

- Proposed modification to clarify that common area is not to be reserved for the exclusive use of any individual and to reference the requirements for creation of common area contained in the Zoning Ordinance.

**Section 20.5-91. Street and road classifications.**

- Proposed revision to reference the “*most current edition*” of the Trip Generation Manual.

**Section 20.5-92. Alignment and layout.**

- Proposed updates of State Code references.
- Proposed addition of a requirement that “stub street” rights-of-way be identified by a sign indicating that the possibility of a “Future Public Street Extension.” This sign is proposed to supplement the notification provided by notations on the subdivision plat.
- Proposed addition of a third possible finding – *environmental considerations* - to justify a waiver of the requirement to construct a “stub street” connection. This recommendation is made primarily to recognize the considerable difficulty and environmental consequences that could be associated with extension of some of the “stub street” rights-of-way that were platted years ago, prior to enactment of current environmental regulations and without benefit of the current environmental review process.
- Proposed addition of references to the possible need for traffic-calming measures to be included where street interconnections are required.
- Proposed modification of the notification requirements to eliminate the two-step notice to adjacent property owners and property owners association (first within 30 days of the first plan submission and then a subsequent notice when the Subdivision Agent has decided whether or not to require the “stub street” interconnection). Under the proposed procedure, the notice would be provided after the plan has been through the review process, which often results in significant changes to a proposed layout, but before a final approval of the Preliminary Plan is granted. When this notice is issued, the Subdivision Agent’s intended action would be noted (i.e., to require the interconnection or to grant a waiver) and the parties notified would have the opportunity to appeal that decision to the Planning Commission, as is the case currently. In addition, it is proposed that procedures be modified so that notification of an intended interconnection

would not be required for any “stub street” right-of-way established subsequent to the time the plat notation requirement providing notification of the purpose of the right-of-way became effective, thus providing the opportunity for prospective purchasers of adjacent property to be so advised.

- Proposed modification to reference the VDOT Subdivision Street Design Guide concerning intersection design and spacing rather than a specific dimension.

**Section 20.5-93. Rights-of-way.**

- Proposed modification to clarify right-of-way dedication requirements for thoroughfares shown on an approved “*state or regional*” transportation plan.
- Proposed modification to require right-of-way width for streets to be consistent with the VDOT Subdivision Street Design Guide, but in no case less than 50 feet (which is the current minimum width specified by the County).

**Section 20.5-94. Geometric Standards.**

- Proposed modification to delete the table and subsections providing pavement width and other geometric standards and to instead reference the VDOT Subdivision Street Design Guide standards.

**Section 20.5-97. Cul-de-sac streets.**

- Proposed revision to update the reference to the Department of Fire and Life Safety and to provide an opportunity for the long cul-de-sac median requirement to be waived or modified, not just in planned development or cluster developments, but in any case where the Subdivision Agent and Department of Fire and Life Safety determine that it “*will not aid in emergency access and operations.*”

**Section 20.5-99. Alleys.**

- Proposed revision to clarify and emphasize that alleys will not be eligible for VDOT acceptance/maintenance.

**Section 20.5-101. Sight distance triangles.**

- Proposed modification to simplify the sight triangle measurement process and to clarify that VDOT’s sight distance standards must be observed if more restrictive than those specified in the County ordinance.

**Section 20.5-102. Private streets.**

- Proposed modifications to reference VDOT Subdivision Street Design Guide standards.
- Proposed updates to State Code references.

**Section 20.5-109. Surety in lieu of completion.**

- Proposed updates of State Code references.

**Section 20.5-116. Applicability and intent.**

- Proposed modification to properly reference the Chesapeake Bay Preservation Area requirements.

**Section 20.5-118. Water quality impact assessments and impact studies.**

- Proposed modifications to properly reference the Chesapeake Bay Preservation Area requirements and the Watershed management and Protection Area requirements and to delete the listing of CBPA requirements to eliminate duplication of Chapter 23.2.

**Section 20.5-119. Review of analysis.**

- Proposed modification to properly reference required impact studies and assessments.

**Section 20.5-126. Commercial and industrial subdivisions.**

- Proposed deletion to avoid conflict with VDOT standards for street design.

**Section 20.5-128. Appeals and variances.**

- Proposed updates of State Code references.
- Proposed modification conform the provisions to with the 90-day deadline for action specified by the State Code.

**Section 20.5-129. Appeals from decisions of the board.**

- Proposed updates of State Code references.

**Appendices**

- Several of the Appendix forms and diagrams are proposed to be modified or completely deleted. They are:
  - *Figure VI-A – Sight Triangles*- Delete to avoid conflicts with VDOT standards.
  - *Table VI-1* - Delete since VDOT no longer recognizes the *tolerable* road standards;
  - *Subdivision Agreement* form – Update to correct dates and other basic information.

**Recommendation**

I recommend that the Board refer these proposed amendments to the Planning Commission for review, public hearing and recommendation in accordance with



applicable procedures. Staff stands ready to provide any additional information that the Board may desire. Adoption of proposed Resolution No. R05-156 will initiate the text amendment application and refer it to the Planning Commission for review and recommendation.

Carter/3337:jmc

Attachments

- Proposed DRAFT amendments dated August 15, 2005
- Proposed Resolution No. R05-156